-The New-York correspondent of The Charleston Mercury farnishes the following paragraph concerning

hate and cravate:

"A word about men's fashions. The tendency, of late years, you know, has been toward the outre Engith style. The Prince's visit has done soaching to encourage this imisation of the Angiean modes, even to the extent of copylag the abominable hets which everybody in the Royal party wors, from the Prince downward. Such a collection of shocking had hate was never seen, except on scarcerows in a cornfield. downward. Such a collection of shocking bad hats was never seen, except on scarcerows in a cornfield. They all had wide brims, or else turned up awkwardly at the edges, and had a dull luster, as if they had been extensively raised upon. The Duke's hat was eminently seedy, and no New-Yorker with the alightest regard for his reputation would have been hirse to wear it down Broadway. The Earl of St. Germans sperted a still shabbler tile, of the bell-top pattern Lord Lyons's castor had a decided appearance of having been asten several times and then punched out into a rude resemblance of its original snape, which was a very had one. The younger members of the party exhibited a slightly advanced tasts in respect to their hats but there was not one among the whole collection which an American hatter would have dared to send out of his store as a specimen of his own manufacture. Such apelike mindice are many of our fashiousble young fellows, however, that sopies of these arcoious hats are already beginning to sapplant the light, shining to-piece which it has hishous been the pride of New-York youth to wear. The turn-down collar and thickly-folded cravat, exhibited by the Prince and the inventee of his party, are also beginning to be affected by the ready copyists on Broadway. The Prince has given the coup de gracs to French male fashious among ne. With this exception, there is nothing new in the Fall modes of this metropolis."

-Parson Brownlow, in his paper, The Knoxville

Parson Brownlow, in his paper, The Knoxville Whig, says:

"The fact that W. L. Yancey killed his uncle, Dr. Earle of South Carolina, has been stated in general terms, but the details have not been given. Dr. Earle lived one mile and a half west of Greosville, where his widew stil reades, if alive. A few hundred yards distant is an old field, sometimes used for practicing on horseback, but more frequently resorted to as a muster ground. This was the occasion of a drill muster, when Dr. Earle's son, about ten years old, went to the ground, as all boys seek to do; and during their wheeling and turning, the boy got in the way. Yancey ordered him to get out of the way, but the boy, in his confusion, got more and more in the way whereupon Yancey is shed him most unmereitally with a horse whip. Dr. Earle was not at home; but on returning home through town, a friend told him how excelly Yancey issued him most unmerching with a lorse whip. Dr. Earle was not at home; but on returning home through town, a friend told him how eruelly Yancey had treated his son. Yancey tald him that the boy had been very loselint, and that he had slapped his jaws. Dr. Earle replied that he had served him right. When Dr. Earle reached home and learned the facts, and found that Yancey had lied to him, he returned to Greenville in search of him. Yancey, knowing the pluck of Dr. Earle, and that he would be detected in the falsebood, prepared himself for a fight. Dr. Earle found Yancey on Dr. Crittenden's porch, and in marching more him, was shot down by Yancey and in marching more him, was shot down by Yancey and in marching upon him, was shot down by Yancey with a pistel. These are the facts, as we have them from one born and reared in that vicinity. The fact that he was convicted upon trial, and imprisoned, and corroborates the truth of this version. -It is positively asserted in the Courrier des Etats

Unis, in an article en the ball to the Prince of Wales. that of that famous feetival "the pantalogue of the ven erable Peter Cooper were the most carious ornament. These ambitious pantaloons," adds the careful chronicler, "came up on the breast to the neighborhood of the cravat, and at each bow made by the obsequious millionaire the top button bloomed out in the opening of the veet, like a third eye opened wide in order toe better to admire his Highness."

-High respectability does strange things in Maine. A Portland paper says that "a highly respectable young lady" of that city made a sportive wager that ahe would carry a dozen brooms through the streets lying between the shop of the donor and her own residence. The offer was accepted, and on Wednesday morning, at 9 o'clock, she should ' the useful implements and performed her r , of the contract. The editor says " she presented a very pretty appear-

- The Baltimore Patriot says: " The accomplished Miss Mattie Taylor, daughter of Col. Taylor of Covington, Ky., and a relative of the President Taylor has received from the Prince of Wales a diamond brooch, surmounted by his crest, as a souvenir of the pleasure her company afforded him, in dancing with his Royal Rigi ness at the late Cincinnati Ball.

-Dr. J. W. Palmer, well known as a literary man in this city, has became attached to The Philadelphia Inquirer, in the staff of which he is to occupy a prominent position. He cannot fail to prove a valuable ac quisition to that old and able journal.

-The Republicans in the Northern Assembly Dislaer County, have placed in nomina ion L. Chandler Ball, who in former years has acted with the Whig and American parties. Mr. Ball is a gentleman of such sterling qualities, such purity of character, and such fitness for stations in which all these are particularly desirable, that we record his nomination with

much satisfaction. - The Washington Star says that Thaddens Hyatt. proceeding to North Elba for the purpose of distributing some money to the family of John Brown, was there waited on by many persons, one among whom spoke of a certain pistol in the possession of some member of the family. Inquiring into the matter, he became convinced that the weapon referred to was one of a pair once belonging to General Washington, which had been taken from Col. Lewis Washington's house at the time of the Harper's Ferry affair. He spoke to the family concerning this relic, and went on his way to Kansas. When he returned from that part of the country to New-York, he found at his residence a mysterious box, which had been a waiting him for some time, and which had excited no little apprehension lest it should turn out to be an inferral machine. The box

now been restored to its rightful owner. -The Marquis de Raigecourt, recently deceased at Nancy, in his 100th year, was born in the reign of Louis XV., and served as an officer in one of the King's regiments.

was found to contain the pistol spoken of, and this has

FROM HAVANA.

The United States Mail steamship Bienville, J. D. Bulloch, commander, from New-Orleans the 14th, and Havana at 4 p. m. of the 17th inst., arrived at the Light-ship at II o'clock Sunday night, and was detained by the fog until day light on Monday morning. The weather has been unusually tempestaous during the voyago. In the Gulf of Mexico the Bienville experienced a severe northeast gale, beginning on the 15th inst., and has had strong northerly winds, with heavy sea, and thick, rainy weather the entire passage.

There is nothing of interest to communicate from

Havana. The United States screw steamer Crusader, Lieut. Commanding J. N. Mafflit, was at Havanz when the

Bienville left. Oct. 19, lat. 29 55 N., lon. 79 30 W., exchanged

aignals with bark Albion Lincoln, steering north. Oct. 19, lat. 30 19, lon. 79 30, exchanged signals with three-masted schooner Star of the South, steering

morth. Oct 21, lat. 38 30, lon. 74 15, passed a bark showing at mizzenment head a Bremen flag and a white signal

with No. 129 in the center, steering N. N. E.

Oct. 21 passed, about 15 miles south of Barnegat, he steamship Philadelphia, steering south.

By the arrival of the steamship Empire City with same dates from Havana, we learn that yellow fever had quite disappeared, and strangers were beginning to fill up the botels, to spend the Winter months. There was not the usual amount of shipping in the harbor for this season of the year. When the Empire City left, a burricane was anticipated, and the Admiral had issued orders to the Spanish fleet to be in readiness to meet it.

Friday, Oct. 19, lat. 29° 50', lon. 79° 40', exchanged signals with a three-masted schooner, showing white signal with blue cross, bound north. Lat. 30° 51', lon. 79° 40', pacted bark Trinity, bound north. Lat. 31° 50', lon. 78° 41', passed brig Mary Staples, bound north.

LAW INTELLIGENCE

COURT OF OVER AND TERMINER-OUT. \$2.-Before

COURT OF OYER AND TERMINEE—Oor. 22.—Before
Judice Gould.

POSTPONEMEST OF MURDER CASES.

In the case of Edwin Hodg ton, indicted for the murder (in the recent degree) I Way John Cuaringham, on the the May last, by stabling him with a hoffs, a post-paneman was granted until next Friday. Mr. Wm. H. Anthen was assigned by the Courte counsel for the accused.

The case of John Dunnigen, indicted for murder in the second degree, was postponed until next Tausésy.

THE DEVELIS INDICTMENT.

Charles Develin, ex-Street Commissioner, indicted for forgery, pleaded not gottly. Mr. Orshaw, in beh if of the accused, applied for a commission to exact the Edward Hays, a resident of San Francisco, California, who is said to be a material witness in the case, and a stay of proceedings.

The District Attorney had no opposition to the commission provided there should be no delay.

The counsel then arranged the time for serving their interrogatives and cross-interrogatories.

UNITED STATES CIRCUIT COURT-Oct. 22.- Before

DRAWING JURORS IN BROOKLYN. DRAWING JUROUS IN BROOKLYN.

This morning a return was made to an order for a panel of petry jurors to serve in this Court and to be down from the jury-fex in hites County. The Glerk (Mr. Sad velt) said that he went to draw the panel, but found when he had the last than for any in the box was empty. The Court direc ed the panel to be discharged instanter, and the jarrors to be compensated for their one day's attendance.

The Judge then directed that a janel of sixty pettr jurors be drawn from the jury-box in the County (lett's office of the County of New-York, to be return bie on Thursday next; and from the easure county, and also returnable on Thursday next, and from the same county, and also returnable on Thursday next.

After disposing of some unimportant motions, the Court adjourned.

UNITED STATES COMMISSIONES OFFICE-Oct. 22 .-Before Commissioner MORRELL.

THE SLAVER ERIE-IMPORTANT TESTIMONY PRODUCED. The further hearing in the case of the all-ged captain and makes of the slave-ship Eric was resumed to day in the United States District-Attorney's office, the Grand Jury room being occupied in the preparations for the Democratic procession. The subject of admitting the charge of serving voluntarily on board a slaver, in violation of the statute, was discussed, but not

decided upon.

District Atterney Receivelt proposed that the socused be each lowed to be sworn on his own behalf, according to the practice

allowed to be sworn on his own behalf, according to the practice of the State Courts.

Mr. Joachimsen, counsel for defense, said he had no objection.

TESTIMONY OF WILLIAM WARREN.

The mate. William Warren, was then sworn and examined for the defense by Mr. Joachimsen.

Q. Do you know the ship Erie? A. Yes, I know her.

Q. Did you ever ship on boant of her? A. Yes.

Q. Where? A. At Joachon, Magland,

Q. When? A. About last December.

Q. Who ? A. About last December.

Q. Who was her Captain? A. A man by the name of Knudsen.

G. Who was her Captain? A A man by the name of Knudsen.

Q. For a voyage to where? A. Te Havana.

Q. Did you, then ship at Havana on board the same vessel?

A. No, Sir; I never left the vessel.

Q. When she was about leaving Havana, did you understand where she was going to? A. I understood at the time she was going to at a I understood at the time she was going on a trading voyage.

Q. Inder the same or some other captain? A. Well, I could not tell evactly: I did not know any other captain on board of that voxage inntil the day we sailed from Havana.

Q. You say say that you understood she was bound on a trading voyage—where to? A. To the coast of Africa.

Q. And back? A. Yes Sir.

Q. No port mentioned.

Q. No port mentioned.

Q. No port mentioned.

She was to go on a general trading voyage to the coast? A. Yes, Sir.

Q. What country are you a native of? A. I am a native of Nova Soctia.

Sectia.
Of what place? A. A town by the name of New Annaa.
Were you ever naturalized? A. I never was.
Do your parents said family reside in Nova Scotia? A.

Sir.
In regard to your business, is it exclusively that of a sea es going after negroes.

Q Do you remember what kind of cargo she had going out?

A I do.

Jost state the general character of the cargo? A. Well, she had a general cargo; such a cargo, I should taink, as would snear very well for trading purposes.

G. For general trading purposes.

Q. What position had you on board? A. I shipped originally as second nate.

Q. Were you on board when the cargo came and did you help stew it? A. I was on board when the cargo came, but I had nothing to do with it.

o stew it? A. I was on board when the cargo cams, but I facthing to do with its.

2. Who sties ded to that? A. I presume the parties that ned or had to do with the vessel. owned or had to do with the voscel.

Q. Do you know who those parties were—their names? A. I have every reason to believe they were Soundards.

Q. Can you give me the name of the firm? A. Yes, Sir; I do not know as I can give it to you correctly, but it sounded like avaner.
Q. Did these men appear to have the control of the vessel in a layans? A. They came about the same as visitors at times;

bid those men appear to have the centrel of the vessel in ana! A. They came about the same as visitor; at times; were pointed out to me as the owners of the ship. Did you take any passengers to the coast! A. We did. Who were they! A. Spanish gentiemen. Do you remember their manes! A. I do not know their names; one of them was called on board John Hill; he was

There was more than one? A. I never knew the other

And the was not claim to the was called Antonio.

Q. What land did you make! A. We made the land somewhere to the southward of the filter Congo.

Q. Did you come to an anchor! A. Yes.

Q. On the coast of up the river? A. We came to an anchor off the river. outh of the river.
Up to that time who was acting as captain of the vessel?

Up to that there who was soming a converse.

A. Copt. formion sected as captain of the vessel.

Q. Did-you discourge your carge at the mouth of the Congo?

A. The day we salled, or the day after, I was teld the vessel and
cleared for a port near it. Thomas, or the River Congo—that they
had changed the destination of the vessel, and we made the land
at Co. go, and lamed the cargo?

A. The consignee controlled

the Cargo?

the consignee controlled the cargo there.

1. Who controlled the cargo? A. The consignee controlled it at the irver Congo.

2. Did either of the two men who came out with you control the cargo? A. They had considerable basiness with it, but not so much as the owners, who were on board.

2. During the volous did the set two men exercise any control ever the cargo or the vessel? A. No. Sir; no more than, is speaking of such things, they spake as though they had business with it.

with it.

Q At the Congo, after your cargo was discharged, did any change in the command, &c., take pixee? A. Yes, cir.

Q. Now state to the Court what that change was. A. The change was that another capital note command of the ship, and other officers.

Q. Do you know by what right? A. I presume by the selling

fficers o you know by what right? A. I presume by the selling of the ship.

Q. Did soything transpire, and what, showing that Mr. Gordon was not the captain? A Yes, sir, the man that took command of the ship told him, in my presents that he was no longer captain of the ship, and had nothing to do with her, and or tered him.

hore. Q. State how it was that Gordon, yourself, and all the others, maked on board. A. Captain Gordon went ashore, and Ryed ashore for some time

Q. When did be come back? A. He used to come on beard at certain times; and when the vessel was ready to sail he asked

at certain times; and when the vessel was ready to sin he assed a passage home in her.

Q. Was there any other vessel at the Congo in which either ef

onat. on the ship left the river, did she stand out to sea? She Q. When the ship left the river, did see stand dut to see? One
Q. Under whose command? The gentleman who took comand of the vessel was one of the men who was put ashers as a
seriger. He was considered as a passenger when the ship was
ten, and sent on board the United States steamer Mohican, and

cent on short on could not be blief state sections for cent on short.

Q. And discharged there? A. Yes, Sir.
Q. Who was the mote of the vessel! There was a Spanish mate of the vessel who was apprinted at the River Congo. I will be seen to the section of the sec

of the Cong's River.

C. Did either you, Mr. Gordon, or Mr. Hall bring the negroes ren board, or have any hing to do with it; or with stowing them, or keeping teem on board! A. No. Sir, the consignee put them can board, and their own captain and note not hose o warrs, or the mea who were on board for them, used all control over the mea who were on board for them, used all control over

Q. Did you ever see these negrous before they were brought en board A. No, Sir.
Q. Did you, Gordon, or Hall exercise any control over them in any way from then till the Mobican took them ! A. Nothing, whatever; there was a Spanish crew shipped in the river, or put

whatever; there was a Spanish crew shipped in the river, or put on bond there.

CEROSS-EXAMINED BY JUDGE ROOSEVELT.

Q. You say your family is in Nova Scotia. What does it consists of? A. I have no family myself, I am not married; my mether and sisters live there and are Hittish subjects.

Q. Did you ever reide in the United State? A. No. Sir, no more than to be on shore in port; I was sick ouce in hepital at Palandelphia for two months: I never passed by any other name than Warren in the United States; I never claimed to be an American citizen.

Q. Did you allow your name to be put down in the crew list as at American? A. I never put my name down in the shipping list.

list.
Q. Did you ever allow it to be inserted in a ship's papers as an American? A. I never allowed it, instructed it to be done, or

Q. Did you ever allow it to be inserted in a ship's papers as an American? A. I never allowed it, instructed it to be done, or disallowed it.

Q. What was on the vessel's stem when you shipped at London? A. "Erie, of New-York;" we took coal to Havana, I shipped as second mate; we landed the London cargo at Havana, and shipped a new cargo.

Q. Did you at Havana take in any planks or boards? A. A few; we used them to put up a partition or statersom in the cabin; did not use them all for that purpose; they were put to various ness, such as is slawys required on any vessel.

Q. Did you me sany of them to make a slave deck of? A. No. Sir; there was no slave deck made while I was on board; it never was made.

Q. Was there a slave-deck on the vessel? A. There was a deck; I suppose it was always there; there was no new, temporery, or other deck added after we left London.

Q. Did you take fresh water from Havana? A. Yes, Sir; we had about trom 20 to 25 casks; there was no more than enough for the crew on the passage out.

Q. You landed your cargo at the Gongo River. A. Yes, Sir, at a place called Folt Helens; we landed a spirite, bread and flour, and a great many things; I don't know what they were; we indeed the whole cargo we landed it sometimes in the vessel's boars, and sometimes in boats belonging to the shore.

Q. How many boat load? A. I never kept account; possibly more than fifty, my lapression is it might have been fifty; I shedd any probably forty.

Q. Was the firsh cargo brought on board in boats? A. Yes, Sir, in unlocating, we were possibly a quarter of a mile from face.

Q. How were the negroes brought on board! A. In boats of the contributions of the cargo in the cargo is the time; Capt.

Sir. in unloading, we were possibly a quarter of a mile grounds.

4. How were the negroes brought on board! A. In boats from the shore, I was on board the vessel at that time; Capt. Gordon and Mr. Hall were also on board; I was then a passenger; on the voyage out from Havana, I was first officer; the negroes came in chout ten boats; neather Hall nor Gordon nor myself were then officers of the sinp.

4. Give us the names of the officers. A. The Captain was called Manuel; he spoke very little English; Autonio was the first mate; the second mate who had charge of the negroes, I make the wester his claim, for the mates apoke English; some doubt know his name; neither of the mates apoke English; some of the crew were Americans, not all; these officers gave orders of the crew in Spanish; I think there were eight men of the Spanish crew put on board in the cargo; our own crew rewardshoel.

row understood both againsh and English; there were all mixed up, and got their orders one from smothers we sailed from General day after taking the regrees on board, the vessel was bound for Char; I have seen Cap ain Gorden write; would not know his heads riting; my wages from Havena were the outstratery wages, 44 per ments; I was see ged for the voyage and only; I was to hive \$45 per ments; I was see ged for the voyage and only; I was to hive \$45 per ments; I was see ged for the voyage and only; I was to hive \$45 per ments; I was see ged for the voyage and only; I was no moders anding that I was to be left so the coast, or how long I was to conside a be and . I presumed it was to see a veyage to the coast of Acid is and base, did not hear what the arrangement usafe with Hall was; I was not on beard all the stone when the supplies for the reg one were taken in board; I might have be en on shore, sometimes two miles Inland; I saw some sheep, some beans and pown to one shound. One was been and of of principles of the original when you would not a stone of the original was to the advance of been and of of principle cap the bear and pown; did not see any rice; there were, I should say, about 200 casks of weiter; saw the weaks brought on board, and some of them tilled with water from the rive; I lid hot give any orders should that; the crew part Spanlands and perf American, filled thesa.

Q. I did you take any part in It? A Nose of any consequence—none at all; there were kettles and boilers for cooking; I nearlies to boilers were part braid in the river; I was you destained and a half the advance, I was upful in the Coage River also by Capt. Gordon about two-thirts of a moeth's pay; I nave been paid mething since—yer I have been paid mething since—yer I have been paid on thirty is not true and a last the coast of Africe; I think the Eric sailed from New-Orleans when she were to London.

The case was here adjourned until 12 o'clock to morrow.

The case was here adjourned until 12 o'clock to morrow. SUPERIOR COURT—TRIAL TREE—Oct. 22.—Before Justice BOSWORTS. LIBER, SUIT AGAINST JAMES GORDON BENNETT—IS HE

PROPRIETOR OF THE HERALD? Charles Henry agt. James Gordon Bennett. This was an action of livel brought by the plaintiff

This was an action of fivel brought by the plaintiff against the defendant, as proprietor of The New York Herald, for an article published to his journal under the head of "Police Intelligence," and which, it was alloged, affected plaintiff's character. A preliminary point was raised as to proof that Mr. Bennett was proprietor of the journal, and, after one or two witnesses were examined, no legal evidence could be elicited that he was. After some consultations a juror was withdrawa, and the case thus summarily brought to a close.

For plaintiff, Mesers, Hardman and Dickerson; for defendant, Mesers, Viola and Calbraith. Messre, Field and Galbraith.

For pisinin, presers, Hardman and Diokerson; for detendant, Messra. Field and Galbraith.

DAMAGES FOR BREACH OF MARRIAGE FROMISE.

Retachet Levy agt. william Weiss.
This is the case of the maiden who sought to recover \$10,000 damage sty reas nof the defendants remains to marry her, as he had promised to do; the facts of which were reported lat week. This merning the Jury readered a verdict for the pisiniff, assessing her dawages at \$200.

Henry A. Cram for pishutiff. A. R. Dyett for defendant.

DECISIONS.

Simmons agt. Law.—Costs and exceptions settled, and a "further allowance" of \$240 made to the paintiff.

Before Justice Piskuspront.

Tibbetts agt. Drummond.—Order granted. Papers with the Clore.

The bests agt. Drummond.—Order granted. Papers with the Clork.

Before Justice Woodburg.

Wm. C. Hornfager et al. agt. James L. Brumley et al.—The balance of the evidence is still that the plaintiff Goeller paid the \$1,406 17, and that the other plaintiff, as between this two, cought to have paid the \$250 note. In sucordance, therefore, with the views of the Chief Justice on the former motion, this motion should be denied. Motion denied, with \$10 costs, such costs, however, to be set off and allowed against the costs of a motion granted to defendants on payment of costs which was argued at the same time; so that, in effect, no costs are to be actually paid by either party.

John M. Goeller et al. agt. James L. Brumley et al.—The error is purely clearios, and it should be corrected. Motion granted on payment of costs to plaintiff, to be, however, allowed as a set off to plaintiff's motion argued at the same time and desided with costs.

SUPREME COURT-Oct. 23. THE CHEEVER-CHURCH LAW SUIT-JUDGE INGRAHAM'S

OPINION. The People, ex rel. Henry A. Hartt et al., agt. George H. White

et al.

This was a proceeding by mandamus to compel the This was a proceeding by mandamus to compete and defendants, White and Smith, who were inspectors at an election for Trustees, hold at the Church of the Puritaus, on the 12th of March last, to give certificates of election to the relators, Mesera. Hartt, Hall, and Whi tog, who were duly elected. It appears that there were two sets of candidates to fill three vacancies in the Board of Trustees. According to the count of the defendants, inspectors, and their declaration made at the time in the presence of the said Society, Messrs. Hartt, Hall and Whiting had 30 votes each. Messrs. Hartvey and Tompkins had 31 each, and James O. Bennett 27, there being also some 3 or 4 votes for Thomas Roun-dy. Eleven days after the election, however the defendants, on the plea that illegal votes were cast for the relators, gave certifiestes of election to Messes. Harvey and Tompkins, the defeated

The relaters then instituted a suit for damages, and also this proceeding. The defordants thereupon made as evasive and in-a fficient return. The Court, on motion, then ordered the de-fendants to make a further return, setting furth the defects in the former one. The defendants then made a second return, which being deened evasive and defective like the first, motion was made by relators to quash the second return, and that a persurptory mandamus issue.

It will be understood that Mesers. Hartt, Hall, and Whiting

It will be understood that Mesers. Harit, Hall, and Whiting were the candidates put in nomination by Dr. Cheever's friends. The following is Judge Ingraham's opinion:
INGRAIMS, Judge-Othe pinitiffs move to quash the last return for ice-afficiency. That return sets up:
1. That before the writ was issued the relators commenced as action against these defendants and others, touching the same subject matter in the mandams set forth, and demanded the anne relief sought to be obtained thereby, to which the defendants pleaded, and the same was at issue.
2. That the relators were not by the greatest number of legal varieties duly ciected Trustees &c.
3. That there were more bullots counted than there were persons who had veted, and their he Inspectors had a ballet which was by oversight omitted, and that such ballet was for defendants, which was discovered after the ballets had been consteted and the result announced. And, further, that the Inspector afterward discovered that eight other persons who voted for the relators were not legal voters, and therefore they gave the certificate to the defendants.

4. That they had given a certificate to the defendants who

such.

By the-previous proceeding it is evident that the defendants have not answered as required by the Court.

They were required to answer whether, of the votes that were received by the Inspectors at the election, the relators did not received by seelved by the Inspectors at the election, the relever of a not seerve the greatest number, and whether they, the inspectors, id not declare the relators duly elected &c.

They were also required to say whether any votes were challenged at the election.

On the set the respondents have not answered, but have evaded.

lenged at the election.

On the set he respondents have not answered, but have evaded such an answer, by setting up that the relators were not elected by legal votes, and that they do not know, owing to the confusion, whether any votes were challenged or not.

Without referring to the residue of the return, it appears to me that the conduct of the respondent in the attempting to evade an answer to matter at up to the papers, has exposed them to the consequence of this motion.

It is of no moment whether they have set up other matters in the relators had a right to a return on the matters directed by the Court, and where, in a second return, the respondence seek to evode making it consistent with the order of the Court, they sak the Court with a very lifegue to look at their other defenses to excuse them from not obeying the order of the Court, they sak the Court with a very lifegue to look at their other defenses to excuse them from not obeying the order of the Court.

It was their dury to answer explicitly on these matters; and having done so, they might have set up say further defenses which they supposed existed to this proceeding.

For these reasons it would be enough for me here to grant this retire without examining the other defenses are up by the respendent.

metion without examining the other defenses set up by the responderd.

I think it, however, proper to add here that the action set up by the respondents as a bar cannot be a bar to this proceeding, because in that action neither the certificate of election nor possession of the office can be obtained by the judgment. Whatever may be the prayer of the complaint, the facts set up warrant no recovery unless it may be damages for withholding from the relation the certificates of election, and under the present practice the prayer of the complaint becomes immaterial. As to the relation of the return. I concer with Mr. Justice Muller in the views because expressed by him in this case.

After the ballets were received by the Inspectars, without challer set or objection that right to inquire into we character of

herein one expressed by him in this case.

After the ballets were received by the Inspectars, without challer got objection their right to inquire into the character of the votes coased. The only daty that remained for them to perform was to count such hallots, and retorse the number of votes received, and the rames of the shaving the greatest number.

It would be idle to attempt to conduct any election by ballot if, after the election was closed, the inspectors could, when they is certained the state of the greatest number of votes, constitute an inquiry were legal and in this way change the result of the election for the successful party were legal to and in this way change the result of the election for the successful party were legal to an additional to the conduct of the present day which might not be affected by such a proceeding. The more statement of the proposition carries its answer on the laws of it.

I think the metion must be grunted. The conduct of the respondence in sensing a proper return renders it proper that a

Carries is answer on the lace of it.

I think the methon must be granted. The conduct of the respondents in sending a proper ratum renders it proper that a peremptory mandamus should issue. Nor is there any doubt about the prepriety of suck an order, from what may be inferred from the return itself, viz: that they did count the votes red sived by them, and that the relators had the largest number. The subsequence of the respective to the respect to the first and it there were more votes in the box than had been received, it was counted. The remedy was in a different proceeding.

Metion grated with \$10 costs.

Cincurv-tiev 29 - Before Justice Altin.

Charles F. Waits at Thomas Birdeall.

This was a suit to recover possession of cortain personal property, viz, the machinery, &c., employed in a sugarboiling house formerly carried on by issue H. Mead, or in his name. Mead, it sppears mor good the property to Dr. Ferris of this city as treates, and the mortague, on falure in payment, sold the property to the plaintiff. The plaintiff falling to obtain possession under the midgae, brought this suit.

The defense set up a partnership termority existing between Mead and one Birdseye. The termos of partnership were that Mead and one Birdseye. The termos of partnership were that Mead was to buy and put in the machinery in question, but Birdseyes was to be half owner of it, as well as to share the profits of the received on this interest to Hirdsell, and these transactions being prior to the mortague under which pi intill claimed, the defendant insisted that he had a right of property in the goods to the extent of one half-and a right of property as vested in whole.

Justice Allen, however, held that no property was vested in Justice Allen, however, held that no property as a vertex in Justice at a vertex of such allers.

whole.

Justice Allen, however, held that no property was rested in Justice Allen, however, held that no property was rested in Birdsail, and on metion of plaintiff's counsel directed a verdict for plaintiff.

J Francis Walton and Benjamin Vaughan Abbott for plaintiff;
E, Persen for defendard.

EJECTION OF A EOARDER FROM THE CLARENDON MOTEL.

EJECTION OF A EOARDER FROM THE CLARENDON HOTEL.

Stephen J. Austin egt. Garret Kemer and John Birch.

This was a suit to recover damages sustained by plaintiff by reason of an assault and hattery committed on him by the defundants. He sileged that on the 18th of February. 18th, he was a boarder at the Chrendon Hotel, of which establishment the defendants were procrietors. While he was silhalment the defendant were procrietors. While he was sithing in the room of Mr. Sidney P. lagraham, the defendant, Birch, instigated by the other defendant, forced him from the room and hotel, and ejected thin violently.

The defendants allege it at on the day before the alleged fracts, they gave plaintiff notice to quit in consequence of disputing a bell, and that he was to leave the premises. Instead of this, as they alleged, the plaintiff pensisted in remaining and used wislent and abustive language toward them. The defendants claim that they only used sufficient force to eject a trespassor upon their premises.

Case still on.

Case still on.

Case still on.

Ex Judge Whiting and Mr. Benedict for plaintiff; James W. Lard and J. J. Marrhary for defendants.

Charling Before Justice Librards.

Alexander M. C. Buich, &c., agt. Heavy Wells et al.

The defendants were the trustees of the American

Express Company, of which Company the plaintiff was a stock-holder. He attend that the defail danks were a majority of the Directors of the "American Express Ca." and that, with the frient to cheat and estimate the rest of the stockholders, they had transferred to the "It lied Stat a Express Co." a branch of the business known as the "Eric Ratiroad Director," for the newfind price of \$150,000. Of this som \$80,000 was to be paid in each act the basance in notes of the United States Express Co. That though this saic was consummated in the name of the Company, it was the act of the Company at the express of the other. The plaintiff, in behalf of himself and others interested a size faither also be set astide, a receiver appointed, and an accounting had.

The defendant deay every allegation of franch and claim that the sale was an advantageous one, and made in good fath.

Dedictor reserved.

June Graham and John H. Trapp for plaintiff; Van Vorst & Beardaley opposed.

Observat Term.—Notice to the Ban.

Desirable yopposed.

Notes of i-sage for the November Term, co muchoing on Monday, November 5, must be fined on or before Saturday the 21th fast. Each cote of issue must show on its face wheather it is an enumerated or's non-enumerated motion.

Breggal. Term.—Oct. 22.—Before Justice Scrimmland.

Charles R. Bingham, receiver, agt. Alfred Disbrow et al.—Judgment for plaintiff. Assignments declared fraudulent and void as to the judgment oreditor, &c. See written declaless and findings, &c. DECISIONS.

COURT CALENDAR—TRIS DAY.

SUPREME COURT—CITCOIT—Part I.— Oyer and
Terniser. Part II.—Nos 1163, 549, 570, 1224, 1824, 1033, 1634, 1632, 1622, 1626, 1636, 1632, 222, 1823, 518, 1343, 1594, 1643, 1633, 1634, 1635,

1036.
SUPREME COURT—SPECIAL TERM.—Nos. 85, 124, 184, 126, 115, 96, 91, 125, 128, 129, 120, 121, 122, 124, 125, 136, 127, 136, 129, 77, 196, 117.
SUPERIOR COURT—Part L.—Nos., 2221, 763, 939, 941, 943, 732, 762, 764, 586, 581, 813, 905, 967, 814, 641, 901, 963, 328, 557, 664, 6271, 867, 989, 620, 822.

PUBLIC MEETINGS.

BOARD OF ALDERMEN.

The Board met last evening, Mr. Cornell in the chair. The President, Mr. Peck, subsequently arrived.

Mr. Platt offered the following petition from Chailes Weigard:

"To the Honorable the Board of Aldermen of the City of New-York."

"We, your humble petitioners, hereby represent to your honorable body that whoteas Charles Weigand has been engaged as overseer on Petter's Field in calming dead bodies therefrom, with a number of men, as appears by the pay roll which is hereto sanczed from the lith day of September, 1869, to the tarmingion of the oth day of October, 1869 indicave; and whatea, as said pay roll has been inspected by the Controller of the Gity of New I ofk, now, there o.e., we, your anable patilitizes, hambly pray your honorable body that, after a fair and usequitaveoid deplacement of the men benefit from be city fand, you may not upon it is such a manner as to your honorable body and to justice may seem meet. And in days bound see, your humble petitioners, with ever pray.

"Sworn to before me this 22d day of October, 1809.

"Sworn to before me this 22d day of October, 1809.

"Annexed was the "Pay roll of machanies and laborers in Potter's Field, under the Street Department, for four weeks ending October, 1800." Which also wood to Charles Wiegand, as Superimendent, \$3 per day for 24 days, \$72, to John M. Lung, assistant, \$2 50 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter, \$2 per day for 24 days, \$60; to T. Meaiurry, carpenter

"sewered," under the direction of the Croton Aque-

The report of the Committee on Ferries in favor of essablishing a ferry at the foot of Desbrosses street. North River, to Harsimna street, Jersey City, was laid

A report from the Committee on Finance was adopted in favor of selling at a nominal price (\$1) the plot of ground at the corner of Seventy seventh street and Third avenue as a site for the erection of a Hobrew Orphan Asylum.
The inevitable petition for the purchase of the statue of Washington that how distigures the Park was re-ferred to the Communities on Arts and Sciences. The petitioners represent that the trangular plot of ground

on the south side of Cooper Union is admirably adapted as a place upon which to put the statue.

A resolution was adopted that the Fourth avenue, from One hundred and twenty-fourth street to Hartem

from One hundred and twenty-fourth street to Harlem River, be repaived immediately, particularly between the tracks of the Harlem Kallroad, under the direction of the Street Commissioner.

A resolution was adopted that the Sixth avonus, between One-bundred-and twenty-nith and One hundred-and fortieth streets, be regulated, graded, &c.

The petition of Alois Müller, signed by Fernands Wood and 300 others, to change the location of the Civil and Criminal Courts to the vicinity of Fifty-minth street, and Eighth avenue was referred to the Committee

stree, and Eighth avenue was referred to the Committee on Repairs and Supplies.

The petition of the 12 h Regiment for drill rooms and

The petition of the 12 h Regiment for drill rooms and armory was referred to the same Committee.

A resolution was offered by Mr. Tuomer, that the City inspector appoint Assistant Health Wardens in the several wards of the city "to assist the discharge of their datice, and to perform such duties as may be assigned to them by the City Inspector with reference to the public health." Said Assistant Health Wardens to "be paid at the rate of \$3 per day during such time as they shall perform the dottes of their office." Mesers. Brady, Starr, and Owens opposed the resolution on the ground that there was no assessity

resolution on the ground that there was no uscessifor it. It was adopted on a vote of 12 to 4—all the Democrate for it, and all the Republicans against it. A resolution was adopted by a vote of 12 to 4, to increase the Salary of the Superintendent of Screet improvements, Edward Ewen, from \$2,000 to \$3,000 per annum, to take effect from the let of January, 1860.

BOARD OF COUNCILMEN.

BOARD OF COUNCILMEN.

There was larely a quorum present when the Board was called to order has evening.

A resolution was adopted to print 1,500 copies of the Street Con missioner's Quarterly Report for the use of the Street Department.

The Board concurred with the Board of Aldermen to pave with Beigian pavement East Broadway, from Conthain square to Grand street, and Twonty-fourth street from Sixth was pure to Broadway.

Adjourned to Thursday.

The Board taen adjourned. Sixth avenue to Broadway.

BOARD OF SUPERVISORS.

BOARD OF SUPERVISORS.

The Board uset yesterday afternoon, the President,
WM. R. STRWART, esq., in the Chatr.

Stephen W. Switt sent in an affidavit to the effect
that Goo. W. Dewland, Register 111d District, Taird Vard, was not a resident of the District, and conse uently not qualified to act. Referred. The Commissioners of Public Charities and Correc

The Commissioners of Public Charless and Cottons to the institutions under it eir crarge the past quarter; 7,581 transferred; 6,385 rick; 635 died; remaining O.t. 1,7,686.

The Mayor vetoed the prayor two to pay the Clerk of the said Commissioners \$125 additional, for extra

abor, on the ground that no extra compensation was illowed by law.

A regulation was adopted, authorizing the Controller A resolution was adopted, authorizing the Controller to pay for the work on the County Jait as it progressed. The Board refused to authorize the several Supervisors to see to the fitting up of the several selection poils, and by a strict par y vote of 6 Republicans to 5 Democrats, refused to request the Police Commissioners to provide the extra box to receive the ballots for and against the Constitutional amendment relative to begro suffrage. [The box will be provided, notwithestanding]. By the same vote, it was refused to instruct the Committee on Printing to have printed the ballots for and against the Constitutional amendment.

The resignation of G. May as Register for Ist District of the Eleventh Ward, was accepted, and L. Ringkopt chosen to fill the vacancy; also the resigna-

trict of the Eleventh Ward, was accepted, and L. Rinskopt chosen to fill the vacancy; also the resigna-tion of H. Hillard, Vith District, Eighth Ward, was

After the passage of several bills, the Board adjourned to meet next Monday, at 3 p. m., when the filling of vacancies in the Inspectors and Canvassers of Election will be the special order.

FIRE IN SIXTH AVENUE, AND DESTRUCTION OF OLD FRAME BUILDINGS.—At 3 o'clock yesterday morning the range of two storied wooden buildings a the junction of Broadway and Sixth avenue, owned by Dr. Townsend, and occupied in the upper part by poor families, was almost entirely destroyed by fire. At the hour mentioned, Officer Hart of the Twentieth Ward, while patrolling his boat, observed smoke and fire issuing from the cabinet shop of C. McKenna, No. 603 Sixth avenue, about the middle of the block. He immediately raised an alarm, and the firemen soon arrived, but all attempts to check the progress of the flances proved unavailing, and the entire frontage on Sixth avenue and Broadway was barned down. The structure occupied the block bounded by Broadway, Sixth avenue, Thirty fifth and Thirty-sixth streets, and was known as "Townsend's Row." The upper part was occupied by poor mechanics as dwellings, and the lower part as stores. Through the exortions of the firemen the stores on Thirty-fifth and Thirty-sixth streets were saved. The porsons burned out, and the losses so far as ascertained, are as follows:

No. 505 Sixth avenue, Abraham Flock, butcher shop, loss \$100, instruction of the story in the story of the story in the story of the story in the stor FIRE IN SIXTH AVESUE, AND DESTRUCTION OF

leasure so far as ascertained, are as follows:

No. 599 Sixth avenue, Abraham Flock, butcher shop, loss
\$160; insuired.
No. 691, bowling saloon, loss \$200; not insuired.
No. 691, bowling saloon, loss \$200; not insuired.
No. 693, Menry Ticheld, shoe store, loss \$200; insuired in the
New Amsterdam Fire Insuirance Company.
No. 693, Mr. Raumer, furnition store; loss \$2,600.
No. 693, Mr. Raumer, furnition store; loss \$2,600.
No. 693, Wirdam Jones, loss \$300; insuired in the Wall-street
Insuirance Company.
No. 693, Philip Rices, butcher shop; loss \$300; not insuired.
No. 699, Philip Rices, butcher shop; loss \$300; not insuired.
No. 699, Philip Rices, butcher shop; loss \$300; not insuired.
No. 699, Philip Rices, butcher shop; loss \$300; not insuired.
No. 699, Philip Rices, butcher shop; loss \$300; not insuired.
No. 611, John son & Enseill, feed store; loss \$1,750; insuired for
\$200 in the National Company.
No. 611, behaviorate Company.

No. 615, Groury; not sealously damaged,

On Broadway the following establishments were destroys, in the case of their aggregate less will not exceed \$1 000.

The cambies occupying the upper part suffered serious loss by fire and water to their farmiture and clothing. The report that two persons were burned is incorrect. Loss on building about \$3 500. This block, since its construction at the time of the Crystal Palaco furore, has presented an unsightly appearance in the upper part of the city, and its destruction may be considered as a public benefit. It was very disspidated, and we believed required constant patching and proping to keep it up-ight. The total loss will not exceed \$12,000.

CITY ITEMS.

PERSONAL TAXES,-The Tax Receivers yesterday commenced receiving payment of taxes on personal ectate. At 3 p. m. the receipts amounted to nearly \$10,000. On the 28th inst, the books of real estate tax will be opened. Owing to the dilatoriness of the Board of Supervisors in declaring the amount of tax levy, the collection of taxes has been delayed nearly a

WATER RENTS .- Those who do not pay up their water rents before the 1st of November will find an additional 10 per cent tacked on to their bills.

THE FOWLER DEFALCATION .- Among the passengers from Havens on Sunday, was James F. Dwight, formerly Assistant United States District-Attorney, who was sent to the Island of Cuba to take the testimony of Iseac V. Fowler, the fagilive ex-Postmaster of this city. Mr. Dwight reports verbally that he found Mr. Fowler had been suffering under a severe attack of yellow fever which had prostrated him, but he was so far convalescent as to be able to give the required testimony to be used on the forthcoming trial in equity, on the issues ordered by District Judge Betts. Of course the nature of the testim my will not transpire until it is read in Court. Mr. Dwight was also bearer of dispatches from the United States Consul at Havens to the Hon. James J. Roossvelt, on other important matters, the nature of which did not transpire. He was absent seventeen days, eleven of which were passed at sea.

CHILDREN'S AID SOCIETY.-At a meeting of the

Trustees of the Children's Aid Society, W. C. G.lman in the chair, held Wednesday, Oct. 17, it was reported from the office that one hundred and three persons had been provided with homes during the preceding month. The News-Boys' Lodging-House received from sixty to seventy homeless boys every night. Total receipts from these lads during the month, \$71. Savings, ten boys who had money deposited in the bank saved \$08. The accumulated savings of one boy amounted to \$42 64. Another boy not quite 12 years of age drew \$22 99. The Superintendent reported that within a week they would have accommodation for one hundred and thirty boys. The German School connected with the Society report seventy-five scholars. The Italian School, from sevency to one hundred in attendances. The Cottageplace Industrial School, sixty-five. The other schools associated with the Society are doing much good; attendance about two hundred and fifty. We understand the Society are anxious to open a school in the First Ward for the destitute little girls of that quarter.

CITY MORTALITY. - The number of deaths in this city, for the week ending Oct. 20, was 414; of whom 86 were men; 103 women; 118 boys, and 107 girls; showing an increase of 29 over last week, and of 48 over the corresponding week of last year. Of deaths resulting from acute disease, 28 were cases of inflammation of the brain; 18 of scarlet fever; 18 of infantile convulsions; 15 of diarrhes; 12 of congestion of the brain; 9 of typhus fever; 9 of inflammation of the bowels; 9 of inflammation of the brain; 8 of cholera infantum; 8 of dysentery; 6 of bronchi is; 5 of congestion of the lungs; 5 of hooping cough; 5 of inflammation of the liver; 5 of small-pox; 4 of apople cy; 4 of epilepey; 4 of teething; 1 of measles. Total, 214. Of deaths from chronic disease, 50 were cases of consemption; 29 of infantile marasmus; 15 of dropey in the head; 11 of infantile debility; 10 of dropsy; 9 of albuminaria; 7 of palsy; 4 of cancer; 2 of abscess of the lungs. Total, 156. Of deaths from external and other causes, 13 were cases of premature birth; 5 of old age; 4 burned or scalded; 4 casualties; 4 delirium tremens; 3 accidental suffocation; 2 falling; 1 thrown from a horse; 1 gunshot; 1 suicide. Total, 44. Classified with respect to their ages, there were: under I year, 108; from 1 to 2, 51; 2 to 5, 37; 5 to 10, 15; 10 to 12, 3; 12 to 15, 2; 15 to 17, 4; 17 to 20, 3; 20 to 25, 19; 25 to 30, 24; 30 to 40, 54; 40 to 50, 29; 50 to 60, 29; 60 to 70, 19; 70 to 80, 7; 80 to 90, 6; 90 to 100, 1; unknown, 3. In respect to their pativities, 270 were born of the United States, 98 in Iroland, 22 in Germany, 14 in England, 3 in Scotland, 1 in France, in Switzerland, and 1 in Prussia.

FOR EUROPE.-The steamer Illinois, on her return from Europe, will be laid up to receive new boilers, and other repairs, and the steamer Empire City, Capt. Baxter, will take her place. The Empire City has been lately rebuilt.

FOR CALIFORNIA.-The U. S. M. steamer North Star, Capt. Jones, sailed yesterday, with the California mails and passengers, among the latter 200 recruits for the army of occupation in California. The North Star takes out a fine Durham bull, raised by Mr. Dudley Field at Stockbridge, Mass., for Mr. Hashburn of San Francisco.

A PILOT KIDNAPPED .- Michael Geraty yesterday complained to Justice Kelly that he had been kidnapped and shipped on board an outward bound vessel by the notorious Thomas Hadden, keeper of a sailor's boarding house. Geraty stated that he was a pilot belongng to St. John's, Newfoundland, and that on arriving in this city on Thursday last, he was persuaded by a runner to stop at Hadden's house. He was asked if he wished to be shipped and answered in the negative. Next morning Hadden induced him to visit a vessel lying in the stream, and after getting him on board told im that he was booked for the voyage. Geraty was only released from his unpleasant position by the inter-ference of a Captain who knew him. Hadden was arrested by Officer Connell of the Harbor Police and ommitted by the magistrate. The accused did not necceed in getting Geraty's advance wages, but is none the less liable to the charge of kidnapping. He is an old hand at this business of "shanghacing," as it is termed, frequent complaints having been made against him. An examination will be had in the case to-day.

NUISANCES, STREET CLEANING, AND DISEASED MEAT .- The following is a schedule of the work done by the Saultary Inspector for the week ending Oct. 20: Abatement of Nuisanees.

| Complaints of nuisances, &c., received | |
|--|----------|
| Complete for which no cause existed | |
| | |
| Abstances of anisances, under notice | |
| | |
| flands of wight and removed from city limits | |
| The A bearing recognized Prints with 1271115 | |
| was a financial reservoired from other figures, | ** |
| and the second control of the limited and the second second | |
| Dead dogs and other small animals removed from city limi | |
| | |
| Number of Parrels of Old Unhealthy Meats, Fish, Poulti | W. |
| | |
| Beef-Number of pounds | 1 |
| Reef-Number of pounds | |
| Veal-Number of pounds | 400 |
| Fish-Number of pounds | - |
| Fish-Number of pounds. Pacitry-Number of pounds. | 1 |
| Childs bloods and builder of bounds and access and | |
| Street-Cicumy. | 32 |
| Number of laborers employed | |
| Number of days' work performed by laborers | 55.5 |
| Number of earts employed | " n |
| Number of loads of ashes and garbage removed | |
| Number of earts employed. Number of leads of sehes and garbage removed. Number of leads of street dirt, 6th, &c., removed. | 200 |
| | 20 |
| | |
| Amount earned by sab-cartmen 2,211 7 | • |
| | - |
| Total amount\$3,754 9 | |
| | |
| a At the marting of | |
| POLICE COMMISSIONERS At the meeting of | N I |
| Board, yesterday, Morris Conway was appoin | da |
| Board, yesterday, morris Couway was appou | The said |

patrolman for Brooklyn. Asa Mills of the same place resigned. POLICENEN AND POLITICS. OFFICE OF SUPERINTENDENT OF POLICE, SEW-YORK, Oct. 23, 1850. September of the Sewer of the Sewer

Each meaning and to an residue at all times to the duties of the public person.

To enable him to maintain that position he must abstein from

taking an active part in any exciting combination of indicts as and especially avoid a participates in extensive political des one especially arous a patterpair in the conditions. Without designing, therefore, to interfore with the conditions. Without designing the me ubers of the force, but to hald each offic. I and patroliman in readiness to perform daily at any moment, they are required to refer in from perfect patting its any moment with the political procession which is to take place on the evening of the 22d inst, or on the next for day.

Their attention is easy tally directed to Special Order No. 500.

JOHN A. KENNAOT, Superintendent, the

THE 69TH REGIMENT AND THE LATE PARADE .-[The following letter was suit to The Herald is reply to an ab-tock in its Editorial columns. A hearing being refused to it in that quarter, we give it the kospitality of Tan Tannum.]

that quarter, we give it the hospitality of Tan Tarruna.]

To the Editor of The Herold.

Sin: An article appeared in yesterday's Herold rebuking and anothernations the 9th Regiment, which cannot be left assessivered. I undertake the ta k of replying to it because, Colonal Corcoran, who alone is responsible for the refusal to parde, is which your article refers, reserves to himself the defense of the position he has taken on legal and military grounds, and will have nothing to do with any public discussion.

First: You say that certain resolutions, published in The Matropolitan Record were adopted by the 69th Regiment. This is a clear mistake, is deed, a gratuitous mistake. The 69th adopted no resolution whatever in reference to the parad, neither discussion. Company or part of a Company belonging to it. The writer of your article might have seen for himself, and should have seen, before making a reckless assertion, from whom the resolutions emembed.

Second: You say, assuming that it was the 69th published the resolutions, they insulted the Prince; and you assign as their motive "became his great grand father treated Ireland hadge." If publishing the resolutions be the insult, the 69th hat nothing to do with it. If not parading be the insult, no means ware taken by the Regiment, or its commander to inform him of the fact. They made no boast about it; they did not mensoe; they did not even take about it. The Prince angint not have known anything of the matter if officious intermeddlers did not raise it to importance for their own ends—not that the Regiment would shrink from aroung either its objects or motives. I allude to the circumstances but in answer to your charge of "ill manners" and "ungentiencently conduct."

Third: You say, "the Americans suffered as much as the Irish at the hands of George III., and they now forgive and forget." Be it as you say; though such is not the case. But the Irish people do not forgive; for their sufferings have continued, even under the reign of the Prince's mother, who allowed two millions of the people to die of famine.

of the people to die of famine.

Fourth: You say, "the Regiment seked liberty to visit their Fourth: You say, "the Regiment saked liberty to visit their native land with arms in their hands, and that they ware politely informed it was contrary to law." In this you make two mistakes and a blunder. The Regiment never asked any such favort and next, it would not be "contrary to law" if they had game. The refusal was not a refusal of a request, but a warning it aswer to a romor; and even if it were a refusal of a request, would not such refusal to recognize an Irish-American Regiment on Irish soll be ample reason for not recognizing here, by as, the representative of the Government from whom that refusal came; and particularly so, as there is no law to give even a shadow of legality to the order of Gen. Sandford, as you will perceive by its following section from the Midtary laws of 1855, in relation to the First Division.

It says:

"Sporten 16. The several curps in said division shall be endered out for exercise at least eight and not exceeding twelve times in each year; two of such perades shall be by Division, twee by Brigade, and the remaining parades by Regiments or Compenies, as the Commendant of the Regiment may direct; and not note than one of either of all such parades of any corps shall be ordered on the same day."

The "two parades by division" had been made previous to the arrival of the Prince—one on the Anniversary of the DECLARA-

Embassy—and it is an erroneous impression that the militia can be called upon to parado beyond what is so clearly expressed, as the following section will show what any further parades are inthe following section will show what any further parades are inter ded for:

"SECTION TR. Such portion of the First Division as reside in
the City and County of New-York, in addition to the daily now
required by law, shall be subject to the order of the Marcr of
and of y whenever their services shall be required in aid of the
civil authorities to quell ri to, suppress insurrections to protect
the pro-part, or preserve the franquility of the otty?

These sections may possibly enlighten you as to the power of
the Governor to disband the 69th, which you recomment with
such least any but consends these enthusians.

such loyal seel, but somewhat hasty enthusiasm. Hoping that in a spirit of fair play you will give this explana-tion a place in your columns, I am, Sir, your obedient sevent, ROBERT NUGENT, Ident. Col. 59th Regiment. New York, Oct. 19, 1860.

THE CASE OF S. M. KEPNER.-Mr. Kepner informer us that we were incorrect in stating that he had ever abscorded from Pottaville, Pa., or that he went to Cuba to escape from justice. There is an unsettled account he says, between him and Schuyikill County, of which county he was Treasurer, for which his sureties are bound and his property is piedged. He is in no sense an abscorder, his place of business in this city bear. well known in Pottaville, whence he removed his family spenly this apring. His recent arrest, he alleges was prompted by malicious motives, and was wholly unnecessay, as he weak, had he been sent for, have readily gone to Pottaville at a mement's netice, without any occarion whatever.

BIDS FOR SEWERS .- At the Croton Department yesterday, contracts were awarded for constructing sewers, as

In One-hundred-and-twenty-fifth street, Fourth to Fifth avenue, to David B. DeForest, at \$2.30 per lineal foot; time, 30 days. In Green with street between Harrison and North M ore atracts, to Rosert and James Cannith ham, at \$1.001, time, 5 days. In Varieties that the from Franklin to North Moore streets to John H. MoCabe, at \$3.60 per fixed foot; time 5 days. In Trinty place, between Rector and Tames streets, to John H. MoCabe, at \$1,025 15, time, 12 days. In Forsyth street, between Recommend Deinnersy streets, to John Mocabe, at \$1,215 25; time 16 days. In Cliff street, between Ferry and Franklort streets, to Chris. Reyes, at \$305 per lineal foot; time, 5 days.

REAL ESTATE. As 100 feet east of 10th av., 25 by 41,750 fort south side 66th-st., 200 feet east of 10th av., 25 by 41,750 forts south side 66th-st., 200 feet east of 10th av., 25 by 41,750 forts south side 66th-st., 200 feet east of 10th av., 25 by 41,750 forts south side 66th-st.

STOLE A HORSE AND WAGON.—Officer Downing of the Eighth Ward early on Monday morning arrested Thomas Conley, Joseph Frazes, and Catharine Kinley, on suspicion of having stolen a horse and wagon which were found in their poschurch in Fourteenth street on Sunday, the animal had been taken from before the door. The prisoners had been diving him rearly all night, on a spree, and the horse was nearly dead. The prope ty was worth \$600. Justice Connolly committed

POWDER ACCIDENT.—A boy named Patrick Gibney, itring in East Fifteenth street, had his hand badly injured on Sunday, by the explosion of a quantity of powder in a dark to which he had applied a match. He was taken to fieldeus Hostital.

[Advertisement.] BRITISH CONSULATE.

NEW-YORK, Oct 15, 1860. Mesors, J. Gurner & SonGentlement
Gentlement
H. R. H. the Prince of White having been unable to visit your
Gallery on Saturday, has directed me to say te you that if you
will go on to Beston, he will sat to you for his Photograph.

Your struly,
P. M. Anguranto.

H. R. H. THE PRINCE OF WALES AND SCIEN

Gunnay's Galleny, No. 707 Bayanway.

Ey Royal desire, Mossas, Granny & Sou left for Boston last.

Wednerday for the purpose of making Photographs of the Priscos of Wales and Sotie. After inviving teen several negatives of the Priscos and royal party during that stay at the Revers House, they have just returned with the pioture, pronounced as assistance by by the Prince that his Royal dishness gave orders for neward of a thousand expire, to be sent direct to Buckingham. Palace.

The pictures will be on exhibition in a few days. In the meet time, the public can examine the Autographs of the royal party on the Visitors' Register at the Gallery, to wit:

ALBERT EDWARD,

ALERST EDWARD,
LYONS,
NEWCANTLE,
ST. GERMANS,
ROBERT BRUCE,
TERSDALE,
G. N. GHAT,
HENRY W. ACKLAND,
GARDING D. ENDERHEART,
HINGER SORROOK,
CHARLES G. C. ELIOT.

H. R. H. THE PRINCE OF WALES and SUITE . BRADY'S NATIONAL PONTRAIT GALLERY,

BRADY'S NATIONAL PONTRAIT GALLERY,

COTHAN OF BROOMAY AND INTEREST.

THE ONLY GALLERY IN THE UNITED SCATES

Honored with Special Visit by the Reyal party
Photographs of H. R. H. the Prince of Wales and Striew at Brady's Gallery.

Copies in every style of the art for sale.

Gallery open from S a. m. to 5 p. m.

Galley open from Sa. m. to Sp. m.

[Advertisement]

The public attention is respectfully requested to the following cards of Ellas Hows, jr., and the Growing & Barrier S. M. Co.

A Card from this Growin & Barrier S. M. Co.

The public, in their experience to supply themselves with Sewing Machines making the Growin & Barrier S. M. Co.

The public, in their experience to supply themselves with Sewing Machines making the Growin & Barrier S. M. Co.

The public in their experience to supply themselves with Sewing to purchase them of the parties who alone are authorized to sell them. All parchasers and users of fraudulent machines will be visited with certain procedution.

No. 400 Broadway, N. Y. Growin & Barrier S. M. Co.

All persons are contioned not to make, deal in, or use any fearing Machines which gew from two spools and make the stitch knowns at the Growin & Barrier Stick, unless the samars purchased from the Growin & Barrier Stick, unless the samars purchased from the Growin & Barrier Stick, unless the samars purchased from the Growin & Barrier Stick, unless the samars purchased from the Growin & Barrier Stick, unless the samars purchased from the Growin & Barrier Stick, unless the samars purchased from the Growin & Barrier Stick, unless the samars purchased from the Growin & Barrier Stick, unless the samars purchased under their own patents, and my said patent, during the extended term thereof, to make and sell this kind of Sewing Machine, and all others are piracles upon my said patent, and will be dealt with accordingly, wherever found.

New-York.

[Advertisement]

The LIVING SIAMESE TWINS are at BARSUM'S

MUSEUM, forghe last time this week, and their last appearance in New York, as they are on their way to California. They are on schibit in they and evening, as are also the Livine Hirrorestants, What is It? Albino Children, &c., &c. See advecting the California of the California of

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